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16 July 2010

Director, Deregulation Strategy Section  
[deregulation@immi.gov.au](mailto:deregulation@immi.gov.au)  
PO Box 25  
BELCONNEN  
ACT 2615 by.

Dear Director, Deregulation Strategy Section, DIAC

RE: Simpler visas; Creating a simpler framework for temporary and permanent entry to Australia

Thank you for the opportunity to comment on Creating a simpler framework for temporary and permanent entry to Australia on behalf of Scarlet Alliance, the Australian Sex Worker Association Inc. Formed in 1989 Scarlet Alliance represents sex workers and Australian State based sex worker community organisations, projects, networks and groups at a national level. Through its objectives, policies and programs Scarlet Alliance aims to achieve equality, social, legal, political, cultural, health and economic justice for past and present workers in the sex industry.

Scarlet Alliance and our membership are engaged in supporting migrant sex workers health; human rights, fair and safe migration to Australia. Our outreach, peer support, community development and cross cultural work has encompassed many language groups throughout the more than two decades of our work. Currently our focus reflects the main language groups of Asian background migrant sex workers in Australia; Thai, Chinese and Korean.

Understanding our visa system in Australia is difficult for migrant workers. However the complexity of visa subclasses is only one part of the story. The other part is lack of cross-cultural training, good translated materials and understanding of sex worker issues by the DIAC staff in our embassies in relevant countries; Thailand, Hong Kong, China and South Korea.

Recent partnership work by our organisation with Andrew Bleeze, Kim Reichelt and Beth Powell from DIAC aims to overcome some of these issues. Scarlet Alliance is investing heavily in translation of visa subclasses relevant to migrant sex workers. Some ad-hoc training schedules for embassy staff in other countries may be developed. However through the process of visa simplification we propose that improved communication generally of the new visa subclasses should be built into the changes.

Thank you again for the opportunity to submit our concerns and ideas,

Elena Jeffreys  
President  
Scarlet Alliance, Australian Sex Workers Association

## Who is Scarlet Alliance?

Scarlet Alliance, Australian Sex Workers Association, through our objectives, policies and programs, aims to achieve equality, social, legal, political, cultural and economic justice for past and present workers in the sex industry, in order for sex workers to be self-determining agents, building their own alliances and choosing where and how they work.

Scarlet Alliance works towards sex worker rights (legal, health, industrial, civil) and uses [health promotion](#) approaches to achieve this. The tools Scarlet Alliance recognises as best practices include peer education, community development, community engagement, advocacy etc.

Our membership includes State based Sex Worker Organisations and Projects throughout Australia and ensures we are able to represent the issues effecting our members and sex workers Australia wide.

Australia has very low rates of HIV/AIDS amongst sex workers, due to response by sex workers in partnership with Scarlet Alliance members, community based sex worker organisations and the successful implementation of health promotion.

绯红联盟会 (Scarlet Alliance) –

澳大利亚性服务工作者协会公司，其宗旨在于通过我们的目标、政策和计划为过去和现在的性服务行业工作者争取平等以及社会、法律、保健、政治、文化、经济上的公正，使性服务工作者成为独立自主人士，成立自己的联盟，并自己选择工作地点和方式。我们在全国范围的层次上提出影响性服务工作者的议题。

绯红联盟会的会员遍布澳大利亚全国各地，他们其中有性服务工作者个人、社区层的性服务工作者组织、与我们持有相同思想观念的项目和团体。我们具有肯定的行动政策，以确保我们的会员、职员和行政长官由来自每个层面的性服务工作者组成，并且我们在很大程度上依据性服务工作者的信息意见进行一切工作。

从现实上讲，这意味着我们要为性服务工作者遭受的歧视和污蔑声张正义。我们为更平等的法律进行游说、制定政策及立场文件、组织讨论会、宣传信息，提高对影响性服务工作者问题的大众意识，并打破社会上的成见。

我们为性服务工作者争取权利运动的其中一些方式是利用媒介、出版物、期刊、公共活动等以提高性服务工作者团体的知晓度和可见度。

## สการ์เล็ต อะไลอันซ (Scarlet Alliance)

เป็นสมาคมคนทำงานธุรกิจค้าบริการทางเพศในประเทศออสเตรเลีย

องค์กรของเรามีวัตถุประสงค์, นโยบาย

และโครงการในงานด้านต่างๆเพื่อสนับสนุนให้เกิดความเสมอภาค สร้างความยุติธรรมด้านสังคม  
ด้านกฎหมาย ด้านสุขภาพ ด้านการเมือง ด้านวัฒนธรรม

และด้านรายได้แก่คนทำงานบริการทางเพศทั้งในอดีตและปัจจุบัน

ทั้งนี้เพื่อสนับสนุนให้คนทำงานบริการทางเพศมีสิทธิในการตัดสินใจในการดำเนินชีวิตได้ด้วยตัว  
ตนเอง, เสริมสร้างสมาคมเครือข่ายของตน และ

เลือกสถานที่ที่ทำงานหรือวิธีการทำงานได้ด้วยตนเอง

องค์กรของเราเป็นตัวแทนเพื่อการแก้ไขปัญหาที่ส่งผลกระทบต่อคนทำงานบริการทางเพศในระดับ  
ชาติ

สมาชิกของสการ์เล็ต อะไลอันซ มีสาขาอยู่ทั่วประเทศออสเตรเลีย

องค์กรของเราประกอบด้วยคนทำงานบริการทางเพศอิสระ,

องค์กรคนทำงานบริการทางเพศระดับชุมชน,

โครงการและกลุ่มคนที่มีปรัชญาการทำงานบริการทางเพศเช่นเดียวกันกับองค์กรของเรา

เรามีนโยบายที่ยืนยันให้สมาชิกทุกคน, เจ้าหน้าที่ และผู้บริหาร

เป็นคนทำงานบริการทางเพศทั้งหมดในทุกระดับชั้น

ดังนั้นข้อมูลความคิดเห็นที่กำหนดการทำงานของเราจึงได้มาจากคนทำงานบริการทางเพศเป็น  
ส่วนใหญ่

ในทางปฏิบัตินั้น

องค์กรของเราเป็นปากเสียงในการต่อต้านการเลือกปฏิบัติและการประณามคนทำงานบริการทาง  
เพศ, รณรงค์ให้กฎหมายมีความเสมอภาคมากขึ้น,

จัดทำรายงานด้านนโยบายและมุมมองด้านต่างๆ,

จัดประชุมเชิงปฏิบัติการและให้ข้อมูลเพื่อเป็นการส่งเสริมความรู้ความเข้าใจถึงประเด็นปัญหาที่  
ส่งผลกระทบต่อคนทำงานบริการ และลบล้างอคติเดิมๆของสังคม

ในฐานะที่องค์กรของเราเป็นส่วนหนึ่งของการรณรงค์เพื่อสิทธิของคนทำงานบริการทางเพศ

เราได้ใช้สื่อมวลชน, สิ่งตีพิมพ์, วารสาร และ กิจกรรมต่างๆทางสังคม

เพื่อสร้างความรู้ความเข้าใจ

และแสดงความมีตัวตนของชุมชนคนทำงานบริการทางเพศให้ปรากฏต่อสังคม

## **Scarlet Alliance Submission on Visa Simplification June 2010**

- 1. Australia's current visa subclasses are complicated and hard to understand. This will make it harder for a person who speaks English as a second language to apply for the right visa. This increases sex workers' vulnerability to trafficking.**

Australia's visas are quite complex in language and difficult to truly understand. The Government has information on the website<sup>i</sup>, but most them are in English and difficult to understand. The information is suitable for people who have academic backgrounds. There are many migration agents, brokers, contractors and other third parties who will give advice for a fee, both in Australia and in other countries for those who want to travel to Australia. Many people are afraid to ask in depth or sometime don't know what to ask. For example if a person wants to travel to Australia to do sex work they may not be explicit when they discuss this with the third party they are paying for advice. This means they do not receive the right advice and may be more vulnerable to exploitation from third parties when seeking a visa to do sex work in Australia. Simplifying the visa process can contribute to the prevention of such vulnerabilities.

*Jum Chimkit, Migration Project Officer, Multilingual:*

From my personal experiences and what I heard from other workers, many people have problems to get information on the visa that is right for them. When they have problems, they need help. Sometime they have to approach people with qualifications which can be very expensive and have to patiently wait for a long time for the response.

- 2. Scarlet Alliance supports the efforts of the Australian Government to simplify visa subclasses; however a multilingual communication strategy must accompany these changes. Without such a strategy migrant sex workers will continue to be vulnerable to trafficking.**

We support the Australian Government efforts to simplify the visa system but also suggest improvements in the communication of these changes, and improvements to the multilingual skills of DIAC officers who work overseas (especially at the Australian Embassy in Thailand). DIAC staff must be clear about the conditions of each visa/visa subclass – and being able to communicate that in the local language will assist. The visa subclasses should be translated into all relevant languages. We urge DIAC to translate the new visa subclasses into Thai, Chinese and Korean.

Money must be set aside to translate such materials. Without such information translated it is more likely that migrant sex workers will be vulnerable to trafficking – because they will not know their rights or be able to make decisions about applying for the right visa when it is not in their own language.

It is DIAC's responsibility to translate this material. Without translation, simplifying the visas may not have material effect on assisting sex workers to apply for the correct visa.

Interpreters are not a solution to improving the understanding of visa applicants. There are potential pitfalls with relying on interpreters because they bring their own judgements and discriminations to the situation. Also understanding across languages of legal terminology can be very different and easily mistranslated. At the very least Embassies should have interpreters who have been trained in terminology and concepts and who comply with DIAC anti-discrimination protocols.

Visa application forms must be translated into the local language. Simplifying the visa system means also simplifying the process for people who are not from an English speaking background. Similarly the applicant should be able to fill the form out in their local language.

**3. Changes to the visa subclasses will assist in the simplification of applying for the right visa. However DIAC staff should be trained to provide non-judgmental services to people of all genders and sexualities; this must accompany any changes or risk the value of such simplification being lost in implementation.**

DIAC services for migrant workers coming from other countries should be done without any judgement or discrimination. In our experience, DIAC officers in developing country embassies in South and East Asia are prone to making arbitrary decisions about the level of integrity checking that an individual may face, based on a person's age and appearance.

Arbitrary decision making by DIAC staff can waste precious travel time of individuals if the person is required to repeatedly provide new documents at the whim of DIAC staff; i.e. documents that were not required as part of the original visa application. Scarlet Alliance understands that it is not the concern of DIAC about a person's travel time, however, in anticipation of increased travel time at the Embassy a person may choose to go through a third party in order to get the visa swifter instead. This then becomes a push factor for individuals choosing a trafficker rather than going through direct channels.

When the person doesn't have enough information or do not understand about the visa, they have to seek help from the agency/broker at a very high cost. This can also create a push factor for individuals to turn to traffickers.

At present, in Thailand, there is sometimes no visa stamped into the passport of Thai nationals; and when it is stamped, it is stamped in English, not Thai. Thus an individual who has successfully obtained a visa to travel cannot actually read what the visa is in their passport. Scarlet Alliance acknowledges that more information can be found on the DIAC website which is in English. However some people may not understand English or know how to use a computer. It is better for those people who want to leave the country to have a better understanding of the information in their own language, or have a DIAC staff member explain it in brief, in precise and simple English. This requires a conciliatory approach to foreign nationals at the Embassy, rather than an approach shrouded in suspicion. For example, when a visa is granted, the Embassy staff should patiently and politely explain to the visa recipient what the visa is, what they are allowed to do on the visa, and how long the visa is for. The staff should be trained in cross-cultural skills and be able to check that the visa recipient has understood the conditions of their visa. A translated pamphlet explaining their visa subclass should also be given to the person at this time.

#### 4. Issues particular to migrant sex workers.

##### **ALLOWING SEX WORKERS TO APPLY FOR VISAS TO WORK IN AUSTRALIA**

Sex work is decriminalised, legal and tolerated in Australia. As such we support the right of people to migrate to Australia to do sex work. These visa applicants should have a clear method of travelling and applying for visas that allow them to work in Australia. Scarlet Alliance suggests that it is not appropriate to have a special visa for sex workers. Sex workers are not protected from discrimination. Other forms of regulation that require sex workers to identify themselves specifically (ie in the ASICS codes for taxation) are not utilised by sex workers for fear of discrimination. Sex workers prefer to identify themselves as part of the service sectors, or as educators or as entertainers or performers, thus not having to specifically "out" themselves as sex workers. Being "outed" as a sex worker results in discrimination. Regulation that requires such "outing" has been a failure in Australia.<sup>ii</sup>

Scarlet Alliance suggests that the visa simplification process consider adding sex work as an occupation to a visa that encompasses a range of occupations within the Temporary Residence and Visitor Visas (Entertainment, Service Industry etc) so that individuals from our sector have a clear visa path to follow.

##### **VISA ELIGIBILITY SHOULD BE THE SAME FOR EVERYONE – NOT DEPENDENT ON CITIZENSHIP**

Currently the visa arrangements between Australia and other countries are vastly different depending on the international relationship between Australia and that country, and the economic standing of particular countries.

Scarlet Alliance believes that this creates inequities for migrant sex workers and creates increased barriers to sex workers being able to travel without relying upon a third party and/or trafficker.

##### **CONFIDENTIALITY AND PRIVACY RE: ELECTRONIC VISAS**

Scarlet Alliance supports flexibility in the ways that visas are granted – that a person can choose to have it granted electronically or with a stamp.

#### 5. QUESTIONS

We understand that the Australian Government aims to simplify visas. Is the simplification process going to change the conditions of the visas or will the condition in each visa remain ostensibly the same but with a simpler numbering system?

How much consultation will the Government conduct on these visa changes? Will Scarlet Alliance have an opportunity to have more input into this process? Will we get a chance to brief the relevant policy makers in person? Please let us know how best this will occur.

Scarlet Alliance and the Australian Institute of Criminology are currently surveying sex workers in Australia to assess vulnerabilities to trafficking. Some of the outcomes of this survey will may be of interest to the visa simplification process. What is the timeline for the visa simplification process and how will we submit information in the future?

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<sup>i</sup> [www.immi.gov.au](http://www.immi.gov.au)

<sup>ii</sup> Janelle Fawkes, "Whose Safety?" *MANDATORY SEXUAL HEALTH TESTING*, HIV Australia, VOL. 6 NO. 3, [http://www.afao.org.au/view\\_articles.asp?pxa=ve&pxs=103&pxsc=127&pxsgc=138&id=671](http://www.afao.org.au/view_articles.asp?pxa=ve&pxs=103&pxsc=127&pxsgc=138&id=671)